

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11496 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not considering the case of the petitioners for promotion as E.P. Fitters Grade I/Group/Category "B" w.e.f. 1.9.1994 and as Grade-I/Group/Category 'A' w.e.f.1.9.1997, as illegal and arbitrary, and consequently, to direct the respondents to consider the case of the petitioners for promoting them as E.P. Fitters Grade I/Group/Category "B" w.e.f. 1.9.1994 and as Grade-I/Group/Category 'A' w.e.f. 1.9.1997 with consequential benefits.

2. Heard Sri S. Sreenivasa Sarma, learned Counsel for the petitioners and Sri J. Sreenivasa Rao, learned Standing Counsel for Singareni Collieries.

3. It is the case of the petitioners that they were initially appointed as apprentices in the respondent-company on 4.4.1981; they successfully completed the apprenticeship training on 31.7.1984; on completion of the apprenticeship training, they were appointed as motor mechanics in the category-V on 1.8.1984; and that they were promoted to Category 'D' on 13.8.1987 and Category "C" on 1.9.1991; and they had become eligible on completion of four years of experience to be promoted to the category 'B' and they were eligible for such promotion with effect from 1994 and they also became eligible for promotion to the category of 'A' in 1997. But the respondents have not considered the case of the petitioners and the petitioners were promoted to category 'B' on 1.3.2000 and category 'A' with effect from 1.1.2009, and that the petitioners ought to have been promoted to category 'B' in the year 1994 and category 'A' in the year 1997 itself. Further, it is the case of the petitioners that one of their juniors

by name Abdul Mohi was initially appointed in the respondent-company on 13.8.1985 and he was periodically promoted ignoring the case of the petitioners. The learned Counsel for the petitioners prays that an appropriate direction be issued to the respondents to promote the petitioners on par with Abdul Mohi or to promote them to category 'B' w.e.f. 1.9.1994 and category 'A' w.e.f. 1.9.1997.

4. The learned Standing Counsel for the respondents contended that every worker should possess and complete minimum four years of service and then, he would be eligible for promotion, and whenever vacancies arise in the promotional post, a test will be conducted and only after qualifying in the test and interview, the employee will be promoted to the next category. He further contended that since there were no vacancies from 1991 to 2000, the case of the petitioners could not be considered for promotion to the category 'B', and when the vacancies had arisen, the case of the petitioners was considered to Category "B" on 1.3.2000, and further, to the category 'A' with effect from 1.1.2009 whenever vacancies had arisen in that cadre. He further contended that Abdul Mohi is not a junior to the petitioners as projected by them and he was appointed on 4.10.1985 directly as E.P. Fitter Category IV, whereas the petitioners were appointed in the category V on 1.8.1984, and hence, at no stretch of imagination the said Abdul Mohi can be treated as junior to the petitioners and that the petitioners cannot compare themselves with a person, who was appointed in higher category. He further contended that no interference is called for from this Court as the case of the petitioners was considered as and when they became eligible for promotion and whenever vacancies had arisen.

5. I have considered the rival submissions made by both the parties. The petitioners could not establish that their cases should be considered

immediately after completion of minimum period of four years of service for further promotion. The petitioners have not stated anything in their affidavit as to whether they have passed required tests for promotional posts prior to 2000 and 2009 and they have also not placed any material before this Court to that effect. In the absence of any such material, no direction can be issued to the respondents to consider the case of the petitioners for further promotions with effect from 1994 and 1997 to the Category B and A respectively. I do not see any merits in this writ petition.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

7th December, 2017
Nn



(ABHINAND KUMAR SHAVILI,J)

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